



PATENT
ATTY. DOCKET NO.: P68924US0

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Ricky A. MASSEY et al.

Group Art Unit: 3671

Serial No.: 10/806,102

Examiner: Alicia M. Torres

Filed: March 23, 2004

For: PEPPER HARVESTER

INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR 1.97(i)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

As a means of complying with the duty of disclosure under 37 CFR §1.56, and in accordance with 37 CFR §§1.97 and 1.98, Applicant(s), through the undersigned attorney, submits this Information Disclosure Statement under 37 CFR 1.97(i). The patents, publications or other information submitted herewith are listed on the attached Form PTO-1449. A copy of each foreign patent and/or other art is attached.

Please note that no English-language equivalent of SU 1336980 is readily available.

Since U.S. Patent No. 5,287,687 is the primary reference relied upon in the Office Action mailed August 25, 2004, Applicants, through the undersigned attorneys request that the attached prior art that was cited in that patent be placed in the file of this application in accordance with 37 CFR 1.97(i). While this prior art relates to the historical development of harvesters for peppers and related agricultural products, it does not disclose structure that is anticipatory of the invention disclosed in this application. Further, this prior art does not render the invention disclosed in this application obvious to a person having ordinary skill in this art. Nevertheless, since this prior art was cited as being relevant to the invention disclosed in the primary reference cited and relied upon in the Office Action mailed August 25, 2004, it is believed appropriate to enter this prior art into the file of this application.

Respectfully submitted,

JACOBSON HOLMAN PLLC

By: Harvey B. Jacobson, Jr. Reg. No. 17393
Harvey B. Jacobson, Jr.
Reg. No. 20,851

400 Seventh Street, N. W.
Washington, D.C. 20004
Telephone: (202) 638-6666
Date: December 8, 2004
HBJ:HAS:cwp
R:\Cmoore\HAS\MASSEY\PP68924US0 IDS 1



JACOBSON HOLMAN PLLC
 600 SEVENTH STREET, N.W., Suite 600
 WASHINGTON, D.C. 20004-2201
 Phone: (202) 638-6666

LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT

APPLICANT: Ricky A. MASSEY et al.
 SERIAL NO.: 10/806,102
 FILING DATE: March 23, 2004

GROUP ART UNIT: 3671
 ATTY. DOCKET NO.: P68924US0
 TODAY'S DATE: December 8, 2004

OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)

*EXAMINER INITIAL		
	AN	Letter of Dale Marshall, U.S.D.A., dated Jul. 12, 1988.
	AO	Dale Marshall, "A Bibliography On The Mechanical Harvesting of Capsicum Peppers And Related Subjects," 1990.
	AP	Marshall et al., "Using Air To Convey Mechanically Harvested Peppers," Transactions In Agriculture, Vol. 33(1), 1990.
	AQ	The Great Lakes Vegetable Growers News, Nov., 1986.
	AR	"Pepper Progress in the 80's", American Vegetable Grower, pp. 18, 19, 22, Sep., 1986.
	AS	Marshall et al., "Influence of Certain Open Helix Variables on Pepper Damage," Transactions of the ASAE, Vol. 29, No. 3, pp. 714-778, 1986.
	AT	Proceedings of the Int'l. Symposium on the Fruit, Nut, and Vegetable Harvesting Mechanization, 1983.
	AU	Marshall et al., "Using Air To Convey Mechanically Harvested Peppers," Paper No. 82-1063, Am. Soc. of Agricultural Engineers, 1982.
	AV	Lenker et al. "Principles For Mechanically Harvesting and Cleaning Chili Peppers," Paper No. 80-1533, Am Soc. of Agricultural Engineers, 1980.
	AW	Marshall, "Performance of a Mechanical Pepper Harvester," ASAE Paper No. 79-1062, undated.
	AX	Marshall, "Estimates of Harvested Acreage, Production and Grower Value For Peppers Grown in the United States," 1976.
	AY	"Mechanizing the Harvest," U.S.D.A., Jan., 1975.
	AZ	"Mechanical Harvester For Pimiento and Bell Pepper" pp. 10-11, undated.

EXAMINER	DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant(s).



JACOBSON HOLMAN PLLC
400 SEVENTH STREET, N.W., Suite 600
WASHINGTON, D.C. 20004-2201
Phone: (202) 638-6666

LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT

APPLICANT: Ricky A. MASSEY et al.
SERIAL NO.: 10/806,102
FILING DATE: March 23, 2004

GROUP ART UNIT: 3671
ATTY. DOCKET NO.: P68924US0
TODAY'S DATE: December 8, 2004

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE (If Appropriate)
	AA	3,587,216	06/1971	Grether et al.			
	AB	3,800,518	04/1974	Baggiolini et al.			
	AC	4,214,427	7/1980	Bobard et al.			
	AD	4,257,217	03/24/81	McClendon			
	AE	4,402,175	09/06/83	Watenpaugh			
	AF	4,546,602	10/15/85	Cosimati			
	AG	4,813,216	03/1989	Day et al.			
	AH	4,965,993	10/1990	Butler et al.			
	AI	5,210,999	05/18/93	Cosimati			
	AJ	6,003,293	12/21/99	Boese			
	AK	2001/0002682 A1	06/07/01	Boese			
	AL	2002/0069633 A1	06/13/02	Yoder et al.			

FOREIGN PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	Translation (Yes) (No)
	AM	1336980	09/1987	U.S.S.R.			X

EXAMINER	DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant(s).